



PATENT  
52220/DAP/C766

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 6, 2004.

Cathy Stearns

U.S. Patent No. : 5,831,108  
Issued : November 3, 1998  
Inventor(s) : Robert H. Grubbs, et al.  
Application No. : 08/693,789  
Filed : July 31, 1996  
Title : HIGH METATHESIS ACTIVITY RUTHENIUM  
AND OSMIUM METAL CARBENE COMPLEXES

Certificate  
MAY 14 2004  
of Correction

Docket No. : 52220/DAP/C766  
Customer No. : 23363

REQUEST FOR CERTIFICATE OF CORRECTION

Office of Certificates of Correction  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068  
May 6, 2004

Commissioner:

Pursuant to 35 U.S.C. 256 and 37 CFR 1.323, and in compliance with MPEP 1481, the assignee of the above-identified patent requests that a Certificate of Correction be issued to correct the inventorship. Enclosed are the following documents:

1. A copy of the Findings, Judgment, and Order of Dismissal issued by the United States District Court for the District of Colorado in which the Court orders that inventorship of the above-identified patent be corrected to identify Marcia B. France as a co-inventor.
2. Two copies of a proposed Certificate of Correction.
3. A check in the amount of \$100.00 as required by 37 CFR 1.20(a).

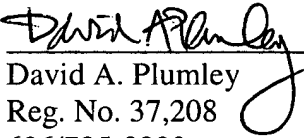
**Patent No. 5,831,108**

4. An executed Power of Attorney entitled "Substitution Of Attorney With Change Of Address For Correspondence By Assignee."

Applicant(s) errors were unintentional and inadvertent, and were made in good faith through oversight. Correction is accordingly requested under 35 U.S.C. § 255, and our check for the \$100 statutory fee is enclosed. Any deficiency or overpayment should be charged or credited to Deposit Account No. 03-1728. Please show our docket number with any credit or charge to our Deposit Account.

Correction of applicant(s) errors does not constitute new matter or require reexamination. Approval of this certificate is respectfully requested.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
David A. Plumley  
Reg. No. 37,208  
626/795-9900

DAP/cl  
Enclosures  
CLS PAS554630.1-\*05/6/04 10:51 AM



WY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 02-WY-0463 AJ (MJW)

CALIFORNIA INSTITUTE OF TECHNOLOGY  
and MATERIA, INC.

Plaintiffs,

v.

BOULDER SCIENTIFIC COMPANY,

Defendant.

COPY

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 23 2004

GREGORY C. LANGHAM  
CLERK

---

FINDINGS, JUDGMENT, AND ORDER OF DISMISSAL

---

All parties have stipulated and moved this Court for entry of judgment in accordance with the terms of their stipulation. The stipulation was reached in connection with a settlement of this case as well as Civil Action No. 03-WY-0049 AJ (MJW).

THE COURT, being fully advised in the premises, now FINDS AND ADJUDGES as follows:

1. Each and every claim of U.S. Patent No. 5,831,108 (the "'108 patent") is valid.
2. Certain claims of the '108 patent read on processes used by Boulder Scientific Company ("Boulder") in the creation of at least the catalysts formerly marketed by Boulder under catalog numbers BSC-483 and BSC-770.
3. Boulder has no rights of any kind or nature concerning the '108 patent, U.S. Patent No. 5,312,940 (the "'940 patent"), or U.S. Patent No. 5,342,909 (the "'909 patent").



502

The Court ORDERS that Boulder Scientific Company is PERMANENTLY ENJOINED from practicing the '108 patent, the '909 patent, and claim 7 of the '940 patent, as well as any continuation, continuation-in-part, division, reissue, re-examination, and any foreign counterparts of each of these patents.

The Court further ORDERS that inventorship of the '108 patent is hereby CORRECTED pursuant to 35 U.S.C. § 256 by the addition of Dr. Marcia France as a co-inventor.

The Court further ORDERS that all remaining claims of this case are hereby DISMISSED WITH PREJUDICE, each party to bear its own costs and attorneys fees.

DATED this 22<sup>nd</sup> day of January, 2004.

  
UNITED STATES DISTRICT JUDGE

**EOD**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 23 2004

GREGORY C. LANGHAM  
 CLERK

Civil Action Nos. 02-WY-463 AJ (MJW)  
Findings, Judgment and Order of Dismissal  
Jan 23, 2004

Certificate of Mailing and Service

A copy of the Findings, Judgment, and Order of Dismissal, signed by Judge Alan B. Johnson on Jan. 22, 2004, in Cheyenne, Wyoming, was hand delivered, placed in respective court pick-up boxes or deposited in the U.S. mails, postage prepaid, to all counsel, and by FAX to Local Counsel, on January 23, 2004, by:

(X) delivered to:

Magistrate Judge Michael J. Watanabe

Glenn K. Beaton, Esq.  
J. Gregory Whitehair, Esq.  
Jessica Lee, Esq.  
Gibson, Dunn & Crutcher  
USDC BOX 18  
[FAX: 303-296-5310]  
(counsel for Boulder Scientific)

AND

(X) deposited in U.S. mail, postage prepaid, to:

Paul F. Lewis, Esq.  
Charles F. Luce, Jr., Esq.  
Moye, Giles, O'Keefe, Vermeire  
& Gorrell LLP  
1225 Seventeenth Street, 29<sup>th</sup> Floor  
Denver, CO 80202-5529  
[FAX: 303-292-4510]  
(counsel for California Institute of Technology)

David A. Dillard, Esq.  
Christie, Parker & Hale, LLP  
350 West Colorado Boulevard, Suite 500  
P. O. Box 7068  
Pasadena, CA 91109-7068  
(counsel for California Institute of Technology)

COM/Pg 2/Order/02-WY-463 AJ(MJW)

Edward S. Irons, Esq.  
Edward S. Irons, P.C.  
3945 - 52nd Street, N.W.  
Washington, D.C. 20016  
[FAX: 202-966-1338]  
(counsel for Boulder Scientific Co)

Jack L. Slobodin, Esq.  
Seyfarth Shaw LLP  
101 California St., Suite 2900  
San Francisco, CA 94111  
(counsel for Boulder Scientific Co)

William J. O'Brien  
Khannan Suntharam, Esq.  
O'Melveny, Myers, L.L.P.  
400 South Hope Street  
Los Angeles, CA 90071-2899  
(counsel for Materia, Inc.)

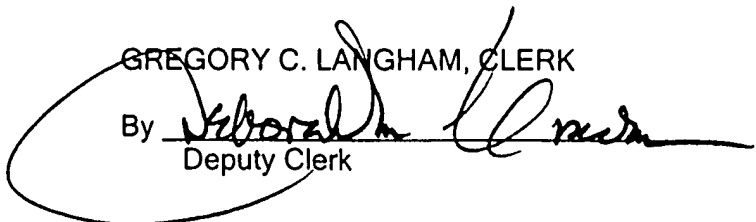
Lee G. Meyer, Esq.  
Meyer & Associates, P.C.  
17462 East Powers Drive  
Centennial, CO 80015-3046  
[FAX: 303 - 699-0548]  
(counsel for Materia, Inc.)

Richard D. Beller, Esq.  
Dwyer Huddleson & Ray, P.C.  
215 West Oak Street, 10<sup>th</sup> Floor  
P. O. Drawer J  
Fort Collins, CO 80522

Aileen Law, Esq.  
Patent Law Offices of Rick Martin, PC  
416 Coffman Street  
Longmont, CO 80501

GREGORY C. LANGHAM, CLERK

By

  
Deputy Clerk